

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chris Olmsted	Team: Squad #09	CCRB Case #: 202102650	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/30/2020 9:20 PM, Saturday, 05/30/2020 11:00 PM	Location of Incident: The Bowery at East First Ave, Manhattan; One Police Plaza, Manhattan	18 Mo. SOL 5/4/2022	Precinct: 09
Date/Time CV Reported Thu, 04/29/2021 4:53 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 04/29/2021 4:53 PM

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. AC Stephen Hughes	00000	874365	PBMS
2. DC John Dadamo	00000	913627	SRG
3. An officer			
4. PO Carlos Bello	12741	962946	106 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. INS Gerard Dowling	00000	915640	SRG
2. POM Erik Fischer	26062	955917	SRG 4
3. POM Richard Kaplan	23199	957725	SRG 4
4. PO Leonel Giron	21368	959658	SRG 1
5. SGT Edward Caceres	03178	941482	007 PCT
6. PO Michael Avelin	14107	966450	107 PCT
7. PO Steven Holguin	19665	958704	SRG 1
8. PO Erik Green	27395	936697	DIS CTL

Officer(s)	Allegation	Investigator Recommendation
A . DC John Dadamo	Discourtesy: On The Bowery at East First Avenue in Manhattan, Deputy Chief John Dadamo spoke discourteously to § 87(2)(b)	
B . DC John Dadamo	Discourtesy: On The Bowery at East First Avenue in Manhattan, Deputy Chief John Dadamo spoke discourteously to § 87(2)(b)	
C . DC John Dadamo	Force: On The Bowery at East First Avenue in Manhattan, Deputy Chief John Dadamo used physical force against § 87(2)(b)	
D . DC John Dadamo	Force: On The Bowery at East First Avenue in Manhattan, Deputy Chief John Dadamo used physical force against § 87(2)(b)	
E . An officer	Abuse: On The Bowery at East First Avenue in Manhattan, an officer damaged § 87(2)(b)'s property.	

Officer(s)	Allegation	Investigator Recommendation
F . AC Stephen Hughes	Abuse: On The Bowery at East First Avenue in Manhattan, Assistant Chief Stephen Hughes interfered with § 87(2)(b)'s use of a recording device.	
G . An officer	Force: On The Bowery at East First Avenue in Manhattan, an officer used physical force against § 87(2)(b)	
H . PO Carlos Bello	Discourtesy: Outside of One Police Plaza, Police Officer Carlos Bello spoke discourteously to § 87(2)(b)	
I . PO Carlos Bello	Discourtesy: Outside of One Police Plaza, Police Officer Carlos Bello acted discourteously toward § 87(2)(b)	

Case Summary

On April 29, 2021, this case was spun off from CCRB § 87(2)(b).

On May 30, 2020, § 87(2)(b), § 87(2)(b), and § 87(2)(b) were part of a protest group of several hundred pedestrians and cyclists that marched from the Barclays Center in Brooklyn to Union Square in Manhattan. At approximately 9:20 p.m., on The Bowery between East Houston Street and East 1st Avenue in Manhattan, the protest group encountered several details of NYPD officers. Clashes occurred, resulting in this complaint and CCRB complaints § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b).

In this case, at the intersection of East 1st Street and The Bowery in Manhattan, Deputy Chief John D'Adamo of SRG spoke discourteously about and in the presence of § 87(2)(b) and § 87(2)(b) (Allegations A & B: Discourtesy, § 87(2)(g)) and ordered officers to arrest them. Officers, on the orders of Deputy Chief D'Adamo, used physical force against both § 87(2)(b) and § 87(2)(b) during their arrests (Allegations C & D: Force, § 87(2)(g)), an officer allegedly damaged § 87(2)(b)'s property (Allegation E: Abuse of Authority, § 87(2)(g)), and Assistant Chief Stephen Hughes of Patrol Borough Manhattan South interfered with § 87(2)(b)'s use of a recording device (Allegation F: Abuse of Authority, § 87(2)(g)). After § 87(2)(b) was arrested, an officer used physical force against him (Allegation G: Force, § 87(2)(g)). On a prisoner transport bus, PO Carlos Bello of the 106th Precinct allegedly spoke and acted discourteously towards § 87(2)(b) (Allegations H & I: Discourtesy, § 87(2)(g)).

Across the relevant investigations, NYPD Legal provided 66 body-worn camera (BWC) videos and identified 45 negative results for BWC footage related to this incident. Videos from PO Nordwing Veszter of SRG 4 (Board Review [BR] 01), Sergeant Duane Barnes of the Information Technology Bureau (BR 02), Sergeant Edward Caceres of the 7th Precinct (BR 03), PO Leonel Giron (BR 04) and PO Steven Holguin (BR 05) of SRG 1, and PO Michael Avelin of the 107th Precinct (BR 06) have footage material to this incident. PO Veszter, Sergeant Barnes, PO Giron, and PO Holguin's Axon Body 2 cameras recorded their videos in their default time zone, Zulu, as indicated by the letter 'Z' after their internal timestamps. On May 30, 2020, Zulu time was four hours ahead of Eastern Daylight Time (EDT). Sergeant Caceres and PO Avelin's BWCs recorded their videos in EDT.

§ 87(2)(b) provided videos and photographs relevant to this incident taken by himself, § 87(2)(b) and from Twitter. Of those, videos CV3 (BR 07), CV4 (BR 08), CV6 (BR 21), and images § 87(2)(b) – Photo 1' through § 87(2)(b) – Photo 6' (BR 22) contain evidence material to this case, as does CV5 (BR 09), a video provided by § 87(2)(b) a complainant in CCRB 202003897. § 87(2)(b) also provided CV1, which contains evidence material to officer identification. (BR 31)

§ 87(2)(b) and § 87(2)(b) were arrested § 87(2)(b) during this incident. § 87(2)(b) was issued a summons § 87(2)(b). (BR 27)

Findings and Recommendations

Allegation (A) Discourtesy: On The Bowery at East First Avenue in Manhattan, Deputy Chief John D'Adamo spoke discourteously to § 87(2)(b)

Allegation (B) Discourtesy: On The Bowery at East First Avenue in Manhattan, Deputy Chief John D'Adamo spoke discourteously to § 87(2)(b)

Allegation (C) Force: On The Bowery at East First Avenue in Manhattan, Deputy Chief John D'Adamo used physical force against § 87(2)(b)

Allegation (D) Force: On The Bowery at East First Avenue in Manhattan, Deputy Chief John D'Adamo used physical force against § 87(2)(b)

Allegation (E) Abuse of Authority: On The Bowery at East First Avenue in Manhattan, an

officer damaged § 87(2)(b)'s property.

Allegation (F) Abuse of Authority: On The Bowery at East First Avenue in Manhattan, Assistant Chief Stephen Hughes interfered with § 87(2)(b)'s use of a recording device.

On May 30, 2020, § 87(2)(b), § 87(2)(b) and their friend § 87(2)(b) rode their bicycles in a large group of pedestrians and cyclists from the Barclays Center in Brooklyn into Manhattan. The group headed north, turned onto East Houston Street, and turned onto The Bowery, where they encountered multiple details of NYPD officers. By the time § 87(2)(b) and § 87(2)(b) arrived at the intersection, clashes between officers and protestors were ongoing and several individuals had already been arrested.

§ 87(2)(b) stated that when he arrived on The Bowery, officers were arresting protestors on the west side of the street. He and § 87(2)(b) went to the east side of the street. § 87(2)(b) saw that the protest march had become patchy and that protestors had stopped near officers arresting individuals. He resolved to leave the area. Officers ordered individuals to stand against the storefronts on the east side of the street and § 87(2)(b) and § 87(2)(b) complied. Each man had one hand on his bike and one in the air. An officer ordered those against the wall to disperse and § 87(2)(b) and § 87(2)(b) continued northbound. At the corner of The Bowery and East First Street, an officer in a white shirt yelled, "Everybody grab a body. There's a body. There's a body. Everybody grab a fucking body." The officer pointed directly at § 87(2)(b) one time he stated, "there's a body" and directly at § 87(2)(b) another time. Two officers grabbed § 87(2)(b). One pushed him over his bicycle and § 87(2)(b) landed on top of it such that the pedals were in his leg and crotch area and the handlebars were at his neck. An officer pushed down on § 87(2)(b) who stated, "you're pushing me onto my bike." An officer lifted § 87(2)(b) another pulled his bike out from under him, and the officer holding § 87(2)(b) pushed him back down. An officer tried to take § 87(2)(b)'s glasses from § 87(2)(b)'s hand. § 87(2)(b) stated, "Sir, those are my glasses. I need those to see. Please don't break my glasses." The officer pried the glasses out of § 87(2)(b)'s hand by twisting them. § 87(2)(b) told § 87(2)(b) later that the glasses broke in the process and were unwearable.

As he was watching § 87(2)(b)'s arrest, § 87(2)(b) attempted to move toward § 87(2)(b). An officer grabbed § 87(2)(b)'s shirt, spinning him around. § 87(2)(b)'s shirt tore from one sleeve to his ribcage, and the officer ended up on his right side. § 87(2)(b) fell onto his left side and turned to keep sight of § 87(2)(b). § 87(2)(b) was on his left knee and partially on his left shoulder and was still holding his bike in his right hand. § 87(2)(b) used his bike to prop himself up so he could see § 87(2)(b). Officers were trying to push § 87(2)(b) down onto the ground. An officer kicked § 87(2)(b) at least twice in the stomach.

§ 87(2)(b) saw the officers remove § 87(2)(b)'s bike from underneath § 87(2)(b) and registered an officer tell him, "Stop resisting." He said, "I'm not resisting." An officer said, "then let go of the bike." § 87(2)(b) let go of his bike. An officer took it from him and officers zip-tied § 87(2)(b) (BR 10)

§ 87(2)(b), § 87(2)(g)

Regarding the arrest, § 87(2)(b) stated that after the officer yelled "grab a body" and pointed at him, § 87(2)(b) began to kneel in the crosswalk at the intersection of East 1st Avenue and Bowery. One hand was on his bike, and one was raised. An officer in a white shirt grabbed § 87(2)(b)'s shirt from behind, twisted it, and pushed against § 87(2)(b) in what § 87(2)(b) understood to be attempts to force him prone on top of his bike. § 87(2)(b) attempted to remain in his kneeling position and resisted the attempts to force him onto his bike, fearing that being pressed on top of it would be painful. § 87(2)(b) approached § 87(2)(b) and several officers took § 87(2)(b) to the ground. § 87(2)(b) could not describe the officers as he was not

wearing his glasses. Additional officers assisted in forcing § 87(2)(b) forward onto his bike. § 87(2)(b) stated in sum and substance that he was being pinned onto his bike. The officer holding him lifted him slightly, and an officer pulled § 87(2)(b)'s bike from beneath him.

Officers pushed § 87(2)(b) back down, pulled his hands behind his back, and zip-tied him. § 87(2)(b) did not resist. § 87(2)(b) still had his phone and glasses in his hand. § 87(2)(b)'s phone was still recording. An officer reached down and took his phone. He pressed buttons on it in what § 87(2)(b) understood to be attempts to turn off the recording. A blue-uniformed officer attempted to twist § 87(2)(b)'s glasses out of his hand. § 87(2)(b) repeated in sum and substance that the object the officer was pulling on was his glasses, that the officer was breaking them, that § 87(2)(b) needed them to see, and he requested that the officer stop breaking them. The officer did not react or reply. § 87(2)(b) let go of his glasses, and the officer took them. During his arrest § 87(2)(b) could see § 87(2)(b) to his left but could not see in detail as he was not wearing his glasses. (BR 11)

Deputy Chief D'Adamo did not recall this incident. He watched footage from Civilian video 1 (CV1) and identified himself as the officer on the left of the opening frame in a short sleeved, white shirt but stated it did not refresh his recollection of the incident. He watched BWC footage from Sergeant Caceres and PO Erik Green of Disorder Control, stated they did not refresh his recollection, and stated that he could not hear an officer in the video make the comment, "everybody grab a fucking body." Deputy Chief D'Adamo and his counsel stated that some audio from the media files played through Microsoft Teams was not clear. They reported no change after attempts to improve the call and audio quality. (BR 12)

Sergeant Caceres stated he did not recall this incident. He watched footage from his BWC recording and stated it did not refresh his recollection. (BR 13)

Assistant Chief Hughes identified himself as the white-shirted officer wearing a bandage on his right hand during the incident but stated he did not recall this incident. BWC footage, civilian footage, and civilian pictures did not refresh his recollection of the incident. (BR 14)

PO Holguin recalled seeing officers arresting an individual, identified through the investigation as § 87(2)(b) at the corner of East First Street and The Bowery. He approached them and offered flex cuffs to an officer, who placed them § 87(2)(b). PO Holguin did not recall further details about § 87(2)(b)'s arrest. Footage from his BWC recording did not refresh his recollection of the incident. (BR 15)

PO Giron did not recall this incident. He watched his BWC footage and stated it did not help him recall the incident. (BR 16)

§ 87(2)(b) and § 87(2)(b) appear nearly constantly on BWC and in civilian media between their arrival at the incident location and their arrests.

In PO Veszter's BWC, § 87(2)(b) arrives on The Bowery from East Houston Street at 03:16. He is a white male with shoulder-length brown hair wearing a black t-shirt, black calf-length pants, and he has a bicycle. He waits north of the intersection of East Houston Street and The Bowery until he is joined by § 87(2)(b) a white male with short dark hair wearing a white t-shirt with large black letters walking a bicycle, at 03:30. At 03:51 (9:20:46 p.m.), § 87(2)(b) follows § 87(2)(b) northbound on The Bowery out of frame. (BR 01)

§ 87(2)(b) recorded CV3 upon his arrival onto The Bowery. It shows he and § 87(2)(b) who appears at 00:03 in a patterned face mask, are not part of the group of civilians surrounding the ongoing interactions between police and protestors on the west side of the street, nor do they join the group. (BR 07)

In civilian video CV5, at approximately 0:02 (9:20:35 p.m.), § 87(2)(b) is visible on the east sidewalk of The Bowery against the wall with his hands raised. Officers can be heard ordering people to disperse. (BR 09)

In Sergeant Barnes' BWC recording, beginning at 03:30 (9:20:56 p.m.), § 87(2)(b) and § 87(2)(b) are visible against storefronts on the east sidewalk of The Bowery, north of their position in CV5. § 87(2)(b) has one hand on his bicycle and one hand in the

air above his head, holding his cell phone. § 87(2)(b) has one hand in the air and his other hand on his bicycle. An ongoing arrest involving multiple officers is occurring on the sidewalk north of them. § 87(2)(b) and § 87(2)(b) do not move toward it. At 3:42, an officer can be heard stating, “go, go, go, go, go.” § 87(2)(b) and § 87(2)(b) then move northbound, each still with one hand in the air and one hand walking their bikes. Through 04:07, Sergeant Barnes’ camera turns back and forth. In the moments when he is facing northbound the camera shows § 87(2)(b) and § 87(2)(b) with a hand each in the air moving and being moved by officers northbound on The Bowery towards East First Street. They do not involve themselves in the arrest occurring on the sidewalk. (BR 02)

Civilian video CV4, beginning at 00:23, captures § 87(2)(b) and § 87(2)(b) as they walk around the arrest on the sidewalk. Both men have one hand walking their bicycles and the other in the air. Beginning at 00:35, Deputy Chief D’Adamo can be heard repeating, “Grab a body.” At 00:36, § 87(2)(b) is walking his bicycle in the crosswalk of the intersection of East First Street and The Bowery with his hand raised. Deputy Chief D’Adamo appears to point at § 87(2)(b) while repeating, “grab a body,” and an unidentified officer charges into § 87(2)(b) knocking him to the ground. (BR 08)

This interaction is captured by Sergeant Caceres’ BWC video. Beginning at 1:07, Deputy Chief D’Adamo is heard out of frame saying, “grab a fucking body. Grab these guys right here. Grab a body. Grab a body.” At 01:11, in the background of the frame, an officer knocks § 87(2)(b) to the ground. Sergeant Caceres moves away from the arrest of an unknown individual and approaches the ongoing arrests of § 87(2)(b) and § 87(2)(b). He is there from 01:19 to 01:27. Multiple officers in dark uniforms interact with § 87(2)(b) and multiple officers in white shirts interact with § 87(2)(b). Sergeant Caceres states, “get his bike off.” Another officer states, “grab his bike.” At 01:24, a white shirted officer with a bandage on his right forefinger, Assistant Chief Hughes, removes § 87(2)(b)’s phone from his hand. Otherwise, the video captures no specific actions taken by any officer. (BR 03)

§ 87(2)(b) was recording a video, CV 6, when he was arrested. Between 00:00 and 0:25, § 87(2)(b) and § 87(2)(b) move northbound on The Bowery towards the intersection of East First Street. They are walking their bikes and each has a hand in the air. They pass an ongoing arrest but do not stop and do not get involved. Beginning at 0:25, as § 87(2)(b) and § 87(2)(b) enter the crosswalk crossing East First Street, an officer off camera states, “grab a fucking body. Grab these guys right here. Grab a body. Grab a body here.” At 0:33 seconds, the recording becomes unsteady and § 87(2)(b) ends up on the ground surrounded by officers. At 0:42 seconds an officer in a white shirt reaches down and takes the still-recording phone. The recording is jostled and blurry until it ends abruptly at 0:46 seconds. (BR 21)

§ 87(2)(b) provided § 87(2)(b) – Photo 1” through § 87(2)(b) – Photo 6.” All six photos were taken within seconds of one another. Photo 1 is a screen capture of an iPhone that has been recording a video for 44 seconds. Photos 2-6 are blurry, still images. § 87(2)(b) – Photo 1 shows the layout of the screen of an actively recording iPhone, including the white, circular button in the bottom righthand corner that saves a photograph during an active recording each time someone presses it. These photos indicate the button was pressed five times between the screen capture and the end of the recording. (BR 22)

No other video captures additional information about § 87(2)(b) and § 87(2)(b)’s arrests.

Patrol Guide Procedure 200-02 states officers pledge to “render [their] services with courtesy and civility.” (BR 24)

In Disciplinary Case No. 79627/04, the department held, “The question of whether the use of profanity by a member of the service during a street confrontation with a civilian constitutes misconduct has been the subject of a number of Departmental disciplinary decisions. These decisions have consistently concluded that when a police officer uses an otherwise impolite word during a stressful street encounter where that officer is attempting to maintain control of the

situation, the police officer's verbal slip does not rise to the level of actionable misconduct." (BR 17)

On May 30, 2020, **Patrol Guide Procedure 221-01** stated, "Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody." It further states, "In determining whether the use of force is reasonable, members of service should consider the following:

- a. The nature and severity of crime/circumstances,
- b. Actions taken by subject,
- c. Duration of action,
- d. Immediacy of perceived threat or harm to subject, members of the service, and/or bystanders,
- e. Whether the subject is actively resisting custody,
- f. Whether the subject is attempting to evade arrest by flight,
- g. Number of subjects in comparison to number of MOS,
- h. Size, age, and condition of subject in comparison to MOS,
- i. Subject's violent history, if known,
- j. Presence of hostile crowd or agitators, and/or
- k. Subject apparently under influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence." (BR 18)

On May 30, 2020, **Patrol Guide Procedure 221-02** stated members of service must "assess the situation continually and adjust the use of force as necessary." (BR 19)

On May 30, 2020, neither the New York State Right to Monitor Act or the New York City Right to Record Law was in effect. At the time of the incident, **Patrol Guide Procedure 203-29** stated, "[The] right to observe and/or record police action can be limited for reasons such as the safety of officers or other members of the public, or when a violation of law is committed by the individual(s) who are observing/videotaping. The following guidelines should be utilized by members of the service whenever the above situation exists:

- a. DO NOT:
 - (1) Threaten, intimidate, or otherwise discourage an observer from recording the police officer's activities; or
 - (2) Intentionally block or obstruct cameras or other recording devices when there is no legitimate law enforcement reason to do so; or
 - (3) Delete any pictures or recordings from observer's recording device or order observer to delete such pictures or recordings." (BR 20)

During the incident, Deputy Chief D'Adamo indicated § 87(2)(b) and § 87(2)(b) when he said, "Everybody grab a fucking body." Patrol Guide Procedure 200-02 broadly prohibits officers from using profanity towards, or about and in the presence of, civilians. § 87(2)(g)

§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Deputy Chief D'Adamo pointed at § 87(2)(b) and § 87(2)(b) ordered officers to arrest them, and remained on scene as officers took them into custody. In stating, "grab a body," Deputy Chief D'Adamo directly ordered officers to use physical force, as evidenced by Deputy Chief D'Adamo's decision not to clarify or amend his order when officers used physical force against § 87(2)(b) and § 87(2)(b) immediately and in Deputy Chief D'Adamo's presence. Video evidence shows officers made no attempts to take either § 87(2)(b) or § 87(2)(b) into custody without physical force. No officer recalled why this occurred. Officers are permitted to use force during an arrest only "when it is reasonable to place a person in custody or to prevent escape from custody." § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) alleged that while he was being arrested he had his glasses in his hand and an officer damaged them by twisting them. § 87(2)(b) could not describe the officer who allegedly took this action and the CCRB obtained no other evidence that identifies them. § 87(2)(g)

§ 87(2)(b) alleged that when he was arrested, he was recording a video on his cell phone and a white-shirted officer took § 87(2)(b)'s phone, pressed at the screen several times, and ended the recording. BWC evidence shows that Assistant Chief Hughes took § 87(2)(b)'s phone during the incident. CV 6 shows that § 87(2)(b) had been recording for 0:42 seconds before Assistant Chief Hughes took the phone. § 87(2)(b) – Photo 1 shows that a combination of buttons was pressed at 0:44 seconds causing § 87(2)(b)'s phone to take a screen capture. § 87(2)(b) – Photo 2 through § 87(2)(b) – Photo 6 show that an individual pressed buttons on § 87(2)(b)'s phone at least five times between the screen capture and the end of the recording. § 87(2)(g)

Patrol Guide Procedure 203-29 requires officers to have a legitimate law enforcement reason to block or obstruct a civilian recording, even if the recorder has committed a violation of law. § 87(2)(b), § 87(2)(g)

Allegation (G) Force: On The Bowery at East First Avenue in Manhattan, an officer used physical force against § 87(2)(b)

At 1:45 in PO Holguin's BWC video, § 87(2)(b)'s arrest is over and officers appear in control of the scene. § 87(2)(b) is rear cuffed and an unidentified officer appears to be holding his left arm. The officer and § 87(2)(b) take steps forward. The officer appears to push § 87(2)(b). § 87(2)(b) turns

to face the officer and takes a step back from her. The officer approaches § 87(2)(b) holds his upper body, swings her leg forward, and pulls her leg back, kicking out § 87(2)(b)'s legs from under him. § 87(2)(b) falls to the ground. (BR 05) § 87(2)(b) did not describe this officer. No BWC footage or civilian media captures either a clear image of the officer or identifying information from her uniform. She appears to be a light-skinned woman of average height and build with long dark hair tied up in a bun. She appears to be wearing a standard patrol uniform and a helmet that does not have a shield number on the side. No officer interviewed could identify this officer. § 87(2)(g)

Allegation (H) Discourtesy: Outside of One Police Plaza, Police Officer Carlos Bello spoke discourteously to § 87(2)(b)

Allegation (I) Discourtesy: Outside of One Police Plaza, Police Officer Carlos Bello acted discourteously toward § 87(2)(b)

After § 87(2)(b)'s arrest, officers loaded § 87(2)(b) and other arrested individuals onto a prisoner transport bus on The Bowery between East Houston Street and East First Street and drove them to One Police Plaza for arrest processing.

§ 87(2)(b) alleged that while on the bus outside One Police Plaza, his face mask frequently slipped, he could not adjust the mask to cover his nose and mouth himself as he was restrained, and he repeatedly asked an officer to adjust his mask for him. After one such instance the officer stated, "I could just tell you to go fuck yourself." After another instance, the officer grabbed the center of § 87(2)(b)'s mask and "yanked" it to the right and left until it came off of § 87(2)(b)'s face.

§ 87(2)(b) described the officer who made this statement and took these actions as a white male with a brown beard in a short-sleeved shirt. No BWC footage captures the alleged actions, and no BWC footage captures the complete period of time individuals and officers spent on the prisoner transport bus. However, PO Avelin's BWC recording between 10:53 and 17:40 (BR 06) and PO Holguin's BWC recording between 26:00 and 28:09 (BR 05) capture officers loading prisoners onto the transport bus and the bus's departure from the primary incident location. Both videos show that one of the officers on the prisoner transport bus was PO Bello, a light-skinned Hispanic male who was wearing a short-sleeved shirt and had a brown beard. No other officer in the footage matches § 87(2)(b)'s description. § 87(2)(g)

PO Bello initially stated he had no recollection of this incident. He watched BWC footage from PO Avelin and PO Holguin and stated he recalled that he had been on a prisoner transport bus that night but did not recall details material to this complaint. (BR 23)

§ 87(2)(b) alleged that PO Bello spoke and behaved discourteously to him. PO Bello did not recall the incident. No video evidence captures these allegations, but there is not consistent video evidence depicting the period in which these allegations took place. § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to two other CCRB complaints and has been named as a victim in no other allegations. (BR 25)
- § 87(2)(b) has been party to three other CCRB complaints and has been named as a victim in no other allegations. (BR 26)

- Deputy Chief D’Adamo has been a member of service for 31 years and has been named in three other CCRB complaints and four other allegations, none of which was substantiated.
- Assistant Chief Hughes has been a member of service for 41 years and has been named as a subject in six other CCRB complaints and 10 allegations, none of which was substantiated.
- PO Bello has been a member of service for 5 years and has been named as a subject in two other CCRB complaints and two other allegations, none of which was substantiated.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- On February 2, 2022, the New York City Office of the Comptroller stated it has no record of a Notice of Claim being filed in regards this to this complaint. (BR 28)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Squad No.: 09

Investigator: <u>Christopher Olmsted</u>	<u>Investigator Chris Olmsted</u>	<u>02/10/2022</u>
Signature	Print Title & Name	Date

Squad Leader: <u>Monique West</u>	<u>IM Monique West</u>	<u>02/11/2022</u>
Signature	Print Title & Name	Date

Reviewer: _____	_____	_____
Signature	Print Title & Name	Date